



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

Minutes of the October 8, 2003 meeting of the  
Commission on Governmental Ethics and Election Practices  
held in the Commission's Meeting Room,  
PUC Building, 242 State Street, Augusta, Maine

Present: Chair Andrew Ketterer; Hon. James O. Donnelly; Dr. Terrence M. MacTaggart;  
Hon. David N. Ott. Staff: Executive Director Jonathan Wayne; Counsel Phyllis  
Gardiner; Administrative Assistant Kendra Danforth.

At 9:04 a.m., Chair Ketterer convened the meeting. The Commission considered the  
following items:

Agenda Item #1 – Ratification of minutes of September 7, 2003 meeting

Mr. Donnelly moved, Dr. MacTaggart seconded, and the members voted unanimously to  
adopt the draft minutes of the September 17, 2003 meeting.

Agenda Item #2 – Question from Rep. Brian Duprey Regarding Seed Money Contributions  
Rep. Brian Duprey is a member of the House of Representatives who filed a Declaration of  
Intent to run as a Maine Clean Election Act candidate for State Senate in 2004. He now  
has decided to run for re-election to his current seat rather than for the Senate. He has  
collected \$875 in seed money contributions for his Senate campaign and has spent \$227.85  
on bumper stickers that promote his campaign for the Senate.

The Commission members discussed what actions Rep. Duprey should take if he wished to  
remain eligible to run for the House of Representatives as an MCEA candidate in 2004.  
Mr. Donnelly moved that Rep. Duprey should formally terminate his Senate campaign in  
writing, dispose of the current balance in his Senate campaign by returning it to the  
contributors or donating it to the Maine Clean Election Fund, and that Rep. Duprey could  
solicit future contributions for his House campaign from donors who contributed  
previously to his Senate. Mr. Ott seconded the motion, and the members voted  
unanimously in favor of the motion.

Agenda Item #3 – Report on Sufficiency of the Maine Clean Election Fund

Mr. Wayne presented a draft Report on the Maine Clean Election Fund, that was a revised  
version of a draft report presented to the Commission members at their September 17  
meeting. The draft report projected that roughly \$3.9 million would be available to pay  
MCEA candidates in 2004 and that \$5.4 million would be needed to pay participating

candidates, assuming that more candidate participate in the MCEA and more matching funds are distributed because more election communications will be considered independent expenditures in 2004. Chair Ketterer moved, Mr. Donnelly seconded, and the members voted unanimously to instruct Mr. Wayne to issue the report on behalf of the Commission.

#### Agenda Item #4 – Referral of PAC and Treasurer to Attorney General

On April 9, 2003, the Commission assessed a penalty of \$942.24 against People for a Strong Maine Economy (a PAC) for failing to timely file 48-Hour PAC reports of expenditures made during the period of October 26-28, 2002. The Commission sent two notices to the PAC's treasurer, Richard Pelletier, requesting payment of the penalty. On September 17, 2003, the Commission voted to postpone referring the PAC and treasurer to the Attorney General because of a partial payment of \$500 received earlier that day. No payment had been received for the remaining \$442.24.

Chair Ketterer moved, Mr. Donnelly seconded, and the members voted unanimously to refer People for a Strong Maine Economy and Mr. Pelletier to the Office of the Attorney General.

#### Agenda Item #5 – Appointments of Members of Commission

Dr. MacTaggart's term on the Commission expired on October 3, 2003. Commission Counsel Phyllis Gardiner presented her legal research and concluded that Dr. MacTaggart could continue to hold his office as Commission member until he was reappointed or another member was appointed. Dr. MacTaggart stated that he would be pleased to serve a second term if the Legislature and Governor reappointed him. The Commission members requested that Mr. Wayne write to legislative leaders to inform them of the vacancy and Dr. MacTaggart's willingness to be reappointed.

#### Agenda Item #6 – Database Administrator

Mr. Wayne described the status of the Commission's system for the electronic filing of campaign finance reports, which was designed and has been maintained by a private company. The contract with the firm is scheduled to expire in September 2004. Mr. Wayne stated that in 2003 the Legislature approved a change in the law under which the Commission could hire either an attorney or a computer analyst. Mr. Wayne proposed that the Commission hire a developer. The members of the Commission approved of the staff recommendation.

#### Agenda Item #7 – Consideration of Draft Rules for Adoption for Public Comment

At their September 17, 2003 meeting, the Commission members directed Mr. Wayne to draft amendments to the Commission Rules for their consideration. Prior to the Oct. 8 meeting, the draft rules were distributed to the Commission members. The Commission members considered the draft rules with the Commission Counsel Phyllis Gardiner. Mr. Ott moved, Dr. MacTaggart seconded, and the members voted unanimously to adopt the rules with minor revisions for the purposes of public comment. The Commission members approved the date of December 1, 2003 for a public hearing.

#### Agenda Item #8 – Reviews of 2002 Maine Clean Election Act Candidates

Mr. Wayne requested guidance from the Commission members regarding three possible enforcement matters that had arisen from the staff's review of 2002 Maine Clean Election Act candidates. The Commission members recommended providing the candidates with notice by letter and telephone that if the matters were not resolved, they would be considered as possible violations of the MCEA at the November 6 meeting.

Agenda Item #9 – Reporting Requirements for County and Municipal Party Committees  
In 2003, the Legislature enacted Chapter 302 of the Public Laws of 2003, which required more frequent campaign finance reporting by State party committees. The change apparently deleted from the Election Law any filing schedule for filing reports by county, district, and municipal party committees. The Commission members recognized Doug Clopp of the Maine Citizen Leadership Fund. Mr. Clopp stated that the deletion of the law was due to a technical error by legislative staff, and the Legal and Veterans Affairs Committee was aware of the problem and intended to rectify it. In light of anticipated attention to the issue by the Legislature, the Commission took no action.

Agenda Item #10 – Proposed Legislation by Representative Deborah L. Simpson  
Representative Deborah L. Simpson had asked whether the Commission would consider proposing a bill under which a member of the Legislature would be prohibited from sponsoring legislation that benefited the legislator's primary source of income. The Commission members determined to take no action on the proposal, and suggested that it might be more appropriate for the proposed legislation to come from the Legislature rather than the Commission.

There being no further business, the Commission adjourned at 11:10 a.m.

Dated: November 6, 2003

Respectfully submitted,

Jonathan Wayne  
Executive Director